MT LEGISLATIVE HISTORY

Chapter 60 1974

Bill (H) 846 S _____ Original bill & hist. ✓C

H. Committee on Hwys & Transp.

Hearing Date(s) FEB 9 ✓C

_____ ___C

_____ ___C

_____ ___C

Date Out _____ ___C

S. Committee on Hwys & Transp.

Hearing Date(s) JAN 17 ✓C

FEB 21 ✓C

FEB 22 ✓C

FEB 23 ✓C

_____ ___C

Did this bill originate in an interim committee? ___Yes ___No

Committee _____ Report _____

February 9, 1974

The meeting of the Highway and Transportation Committee was called to order by Vice-Chairman Healy at 4:00 p.m. Bills to be heard are House Bill 995, 1090, and 846.

House Bill 995: Representative Fagg explained the bill to the committee. This bill would eliminate lighted billboards. He proprosed that this bill be amended to read that after midnight the lights would be turned off. They could be left on from sunset until midnight. Representative Cotton brought up the signs that are controlled by timers. Representative Fagg stated that these timers can be purchased at a very reasonable sum.

House Bill 1090: This bill, sponsored by Representative Barbara Bennetts, was explained by the sponsor. It would allow those who have been confined to a mental institution to wait only 12 months before applying for a driver's license. There were no opponents or proponents.

House Bill 846: Representative Laas, chief sponsor, explained the bill to the committee members. Since congress approved the Emergency Highway Energy Act establishing a 55 MPH speed limit, the state has 60 days to comply with this act and if it does not comply all federal highway funds will be cut-off. These federal funds amount to approximately $69 million dollars in Montana. New highway speed limit signs will be funded and payed for by the federal government. This act will be in effect until the president declares that there is no longer a energy crisis or until July 1, 1975. Mr. Jim Beck, of the Department of Highways, stated that the Department supports this bill strongly. The Legislative Council had written up several amendments and these amendments are attached. In addition to these Jim Beck of the Highway Department suggested that it be amended as follows: in section 1, page 1, line 17 by striking the words: "from the Highway Trust Fund Act" and inserting in lieu thereof the following: "authorized by the Federal Aid Highway Act of 1973 and all acts amendatory thereto". this same amendment is also to be made to line 6, page 2, section 3. Representative Lien moved these amendments and also added some amendments of his own. The full amendments to the bill are as follows:
be amended in section 1, page 1, line 11 of the introduced bill following the word "limits" by inserting the following material: "-exception to the basic rule", and
be further amended in section 1, page 1, line 17 by striking the words: "from the Highway Trust Fund Act" and inserting in lieu thereof the following: "authorized by the Federal Aid Highway Act of 1973 and all acts amendatory thereto", and
be further amended in section 1, page 1, line 18 by striking the material: "source." and inserting in lieu thereof the following material: "statute. A speed limit imposed pursuant to this act is an exception to the basic rule requirements of section 32-2124 and a speed in excess of the speed limit established pursuant to this act is unlawful notwithstanding any provision of that section.", and
be further amended in section 3, page 2, line 6 by striking the words: "from the Highway Trust Fund Act" and inserting in lieu thereof the following material: "authorized by the Federal Aid Highway Act of 1973 and all acts amendatory thereto", and

further amend in section 3, page 2, line 7, by striking the word "source" and inserting in lieu thereof the word "statute", and

be further amended in section 6, page 2, line 20 following the material "Enforcement." by striking all of subsection (1) and inserting in lieu thereof the following material: "(1) A person violating the speed limit imposed pursuant to section 1 of this act is guilty of the offense of unnecessary waste of a resource currently in short supply and upon conviction shall be fined not to exceed one dollar ($1) and no jail sentence may be imposed. Bond for this offense shall not exceed one dollar ($1).", and be further amended in section 6, subsection 2, page 2, line 24 following the material: "act" by inserting the following new material: "provided, however, no violation of this act shall be recorded or charged against the driver's record of a person convicted of violating this act and that no insurance company shall hold a violation of this act against the insured and there shall be no increase in premiums due to a violation of this act.", and as amended do pass. Representative Lien moved the amendments. Representative Harper seconded the motion. Representative Watt stated that he thought that maybe the figure of $1 for a fine would be interpreted as a joke and not in sincerity. Representative Harper stated that now that we are being forced to comply with the speed limit that it would not be wrong to make the figure this low. He also stated that the Federal Government did not state that there had to be a penalty. Representative Aageson also stated that the $1 figure does not sound like it was done in all sincerity. Representative Kendall also stated that the $1 sum sounds like a farce and that maybe a $5 sum would sound more sincere. Representative Lien's amendments to the bill were voted on and passed by a vote of 10 in favor and 3 against. Representative Watt moved that House Bill 846 do pass as amended. Representative Baeth seconded the motion and it passed unanimously.

House Bill 995: Representative Watt moved that House Bill 995 be amended on page 1, line 23 by deleting the word "at" and be further amended on page 1, line 24 by deleting the words "night, as defined by official sunrise and sunset", and inserting in lieu thereof the words: "the sign shall not be illuminated from midnight until the following official sunset.". Representative Glennen seconded the amendment and it passed unanimously. Representative Watt moved that House Bill 995 as amended do pass. Representative Harper seconded the motion. Representative Lien stated that this bill was an example of a waste of the taxpayers money. Representative Rolfe stated that this would also include gasoline signs. Representative Glennen stated that as he understood the land owner would be fined if this sign was not turned off during the designated hours. Representative Campbell made a substitute motion that House Bill 995 do not pass. Representative Lien seconded the motion. The substitute motion passed by a vote of 9 to 3.

House Bill 1090: Representative Harper made a motion that House Bill 1090 do pass. Representative Lien seconded the motion and the bill passed unanimously.

NAME J beck BILL NO. HB 542

ADDRESS _____ DATE _____

WHOM DO YOU REPRESENT? Dept. of Highways

SUPPORT? _____ OPPOSE? _____ AMEND? _____

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

MINUTES OF THE MEETING
HIGHWAYS AND TRANSPORTATION COMMITTEE
MONTANA STATE SENATE

January 17, 1973

The third meeting of the Highways and Transportation Committee was called to order by Chairman Manning on the above date in Room 414 of the State Capitol Building at 9:00 a.m.

ROLL CALL: All members were present, with the exception of Senators Sorenson and Vainio.

CONSIDERATION OF SB 243: Excluding vehicles of Fish and Game from Highway Department.

Senator Northey, author of the bill, asked that this bill be held until the final outcome is decided on Senate Bill 367. He stated that SB 367 would take care of the problem solved by SB 243, therefore, illiminating the need for his bill.

CONSIDERATION OF SB 546: To allocate funds for the replacement of bridges.

Senator Hazelbaker, author of the bill, said that James Beck, Highway Department Attorney, was preparing a narrative on this bill and was sure that Saturday would be plenty of time to have this ready for a hearing.

After further discussion, it was then decided that the following bills would be posted for this week, and the authors notified:

Saturday, January 19: SB 503, 506, 526, 546, 562 and 563.

Tuesday, January 22: HB 177, SB 466 and 498

And that SB 243, posted for Tuesday, January 22, be removed from the board.

CONSIDERATION OF HB 846: 55 MPH Speed Limit Bill

A letter written to Senator Manning from Bob Person, Legislative Researcher, regarding HB 846 was read by the secretary (herewith attached).

The Committee expressed the concern that the penalty seemed a bit extreme, being a maximum sentence of 6 months in jail or a fine not to exceed five hundred dollars, or both. It was reported that Representative Laas, author of the bill, was also somewhat concerned with this penalty.

Senator Graham said that he had talked with Capt. Tooley, Montana Highway Patrol, concerning this problem and that he felt that as far as violations were concerned, nothing would change.

Bob Person, Legislative Researcher, said that if the President should remove the 55 mph speed limit the Attorney General's power to set a speed limit would evaporate, and Montana's speed limit would go back the way it was before it was enacted.

It was noted that the deadline for changing the speed limit signs is March 3, 1974.

CONSIDERATION OF SB 367: Motor Pool Bill

Senator Hazelbaker reported his findings with regard to the passenger waivers related to this bill and the questions on insurance responsibility.

After talking with Les Hanson, Department of Administration, Senator Hazelbaker reports that if the state employee wishes to take his wife along, the insurance policy would cover this and there is no legal reason she couldn't go. Mr. Hanson did say, however, that this practice is discouraged. He suggested it could be handled with the rules and regulations of the Motor Pool, which could be taken care of outside the legislation.

Mr. Hanson said employees are required to have liability policies on their cars if they use them on State business. The employee policy would be primary coverage, and the State policy would be excess.

Senator Aber related his concern on where outdoor signs near a city could be placed. He said he had contacted Truman Cleveland, Outdoor Advertising Department, and could not get any definite information. Senator Broeder suggested that he contact Mr. Post in the Highway Department.

ADJOURN:

There being no further business, the meeting was adjourned at 10:15 a.m.

Dave Manning

DAVE MANNING, CHAIRMAN

ROLL CALL

HIGHWAYS AND TRANSPORTATION COMMITTEE

SECOND HALF - 43rd LEGISLATIVE SESSION 1974 Date 4/17/74

NAME	PRESENT	ABSENT	EXCUSED
DAVE MANNING, CHAIRMAN	X		
CARROLL GRAHAM, V. CHAIR	X		
LARRY ABER	X		
FRED BROEDER	X		
FRANK HAZELBAKER	X		
GORDON MCGOWAN	X		
EARL MORITZ	X		
HARRY NORTHEY	X		
C. F. SORENSON		X	
LEONARD VAINIO		X	
A. A. ZODY	X		

Each day attach to minutes

SENATE MEMBERS
CARROLL GRAHAM
CHAIRMAN
FRANK HAZEL BAKER
NEIL J. VINCENT
JIM MOORE
MRS. ROSE WEBER
EXECUTIVE DIRECTOR
MISS PAMELA FREY
ADMINISTRATIVE ASSISTANT

HOUSE MEMBERS
HENRY S. COX
VICE-CHAIRMAN
FRANCIS BARDANOUVE
HAROLD GERAT
ROBERT MARKS
PETER H. MYLOT
DIRECTOR, LEGAL
SERVICES DIVISION
MRS. ROBERTA MOODY
SUPERVISOR, ALERT SYSTEM

Montana Legislative Council

State Capitol
Helena 59601

January 16, 1974

To: Senator Dave Manning and Representative Walter Laas

From: Robert B. Person, Legislative Researcher

Re: HB 886 Regarding the Speed Limit of 55 M.P.H.

In this memo, I will discuss the requirements of the Federal legislation regarding a speed limit to conserve energy and the question of the wording in section 6 of the bill that Representative Laas asked me.

Congress approved on December 21, 1973, the "Emergency Highway Energy Conservation Act" establishing a national maximum speed limit of 55 miles per hour. The President signed the act on January 2.

The act gives a state 60 days to set the new speed limits. If a state fails to set new speed limits, it becomes ineligible for further project approvals under the Highway Trust Act (section 106 of title 23 (P.S.& R)). The state may not have:

(1) a maximum speed limit on any public highway in excess of 55 miles per hour,
(2) a speed limit other than 55 miles per hour on a highway of 4 or more lanes on which opposing lanes are physically separated and which had a speed limit of 55 or more miles per hour on November 3, 1973, and
(3) a speed limit on any other portion of a public highway which is not uniformly applicable to all types of motor vehicles.

Sums apportioned under section 104 of title 23 shall be available to pay the entire cost of any modification of signing due to a reduction in speed limits according to section 2(d) of the act.

The law is in effect until the President declares there is no fuel shortage or on and after June 30, 1975, whichever date occurs first.

After March 3, 1974 no funds will be approved unless the speed limit is in effect and the signing has been changed.

Signing will be paid for a simplified system using cost per sign to determine reimbursement amounts.

Violation of HB 846, if enacted, would under section 6 subject a person to punishment under section 95-2206.3, R.C.M. 1947. This penalty is that:

> "The court ... may sentence the offender to a term of imprisonment not to exceed six (6) months in the county jail or a fine not to exceed five hundred dollars ($500), or both...."

HB 846 meets Federal requirements for Montana.

RBP:lab

Representative Bardanouve, in rebuttal, said it is true this bill will change the present law. He said he never saw a bill that doesn't change present law. He doesn't feel people come to Montana to see signs; they come to get away from signs. He feels to double them up would be worse. He agrees signs do have a place, but they should be regulated.

After further discussion, Senator Graham moved that HB 946 BE CONCURRED IN. Senator Aber seconded the motion. Motion carried unanimously.

CONSIDERATION OF HB 846: 55 MPH Speed Limit Bill

Representative Laas, author, was present to testify on the bill. He said this bill was introduced to comply with Federal Law signed by President Nixon on January 2. This gives the State 60 days to be in compliance with the law or lose federal money. We have ten days to clear this bill. The signs also have to be changed by March 3. He believes it is a temporary law, and its nature is to conserve fuel and meet federal specifications. We would lose approximately 45 million dollars of federal matching money if we do not comply. He said this bill will not change any of our basic highway laws. The House felt since we are all patriotic and energy conscience, we didn't need a severe penalty, and that the price of gas would control the speed. This law will automatically die when the President declares we no longer have an emergency, or on June 30, 1975. He said Representative Melcher does have a proposed amendment in the U.S. House of Representatives which raises the speed limit in Montana to 60 mph.

James Beck, Department of Highways Attorney, said the Federal Government has issued a directive stating that after March 3, 1974, they will cut off our P.S.&E. approval if we don't pass this bill. This bill meets the criteria set up by the Federal Government. It would take approximately three weeks to put up the signs.

Bob Person, Legislative Researcher, reported the bill needs to be amended in Section 1, page 1, line 23 because of a clerical error. The Section referred to as 32-2124 should be amended to read 32-2144.

Capt. Tooley, Montana Highway Patrol, said they have not taken a stand on this bill, but there are a couple of things they would like to bring to the Committee's attention. He presented the committee with a copy of the section of law which states that Justices of the Peace must receive a minimum fee of $7.50 in all criminal cases. (attached) He said this bond must go through the Justice of the Peace, as any violation of any law must do, even if the person never appears in court. With the penalty set at $5.00, this would mean taking money out of the general fund. Capt. Tooley

further referred to Section 6, subsection (2), page 3, lines 13 to 21, of the third reading bill. He said this would appear to limit enforcement of this act to the Highway Patrol only. He suggests we amend this portion by striking the words "The Montana Highway Patrol shall enforce the speed limit ordered pursuant to section 1 of this act PROVIDED, HOWEVER,".

Senator Graham commented that although he agrees with the intent of the bill, he feels it is unfair that the State of Montana must comply with this 55 mph speed because of the long distances between towns in this state.

Senator Northey said he has three questions on this bill:
(1) Should there be an effective date in the title?
(2) Are we by this bill locking ourselves in with the 55 mph speed limit when this may be changed by Representative Melcher's amendment to 60 mph?
(3) Couldn't we put a decale over the present signs to save money and time?

James Beck said the signs will be financed 100% by the Federal Government, although this is questionable since this money will come from our obligation authority.

Senator Hazelbaker commented about the fact there was no termination date in the bill either.

James Beck said the language in Section 3, page 2, lines 11 and 12 "no longer required by Federal law" does this, since the Federal statute states the law will die on June 30, 1975. However, he feels in the interest of clarity, this might be inserted.

Senator Aber referred to Section 3, page 2, line 10 of the bill and asked whether they shouldn't allow us more flexibility with the word "automatically".

James Beck said he understood that someone from the attorney general's office would be here today to present some amendments to take care of this problem. He said if we use the word "automatically" we are inviting the Federal Government to regulate the speed limit, and this could be unconstitutional. The attorney general's office were to come in with an amendment to allow the attorney general to make a proclamation that the speed limit bill no longer applied.

After further discussion, Chairman Manning suggested that this bill be put in a sub-committee of the House and Senate for further study.

Senator Graham said he agrees this bill should be put in a sub-committee, but would like to strongly suggest that the $5.00 penalty be kept in the bill.

Senator McGowan said he is concerned about the $5.00 penalty. If a driver is driving 90 mph instead of 60 mph, would the $5.00 penalty still apply?

Representative Laas, Chairman of the House Highways and Transportation Committee, said he would pick three members of the House Highways Committee to form a sub-committee to work on this bill with the sub-committee from the Senate.

Senator Graham moved that the Chairman appoint a sub-committee to work with the sub-committee from the House on HB 846. Senator Moritz seconded the motion. Motion carried unanimously.

Senator Manning appointed Senator Graham, Northey and Moritz to this sub-committee.

CONSIDERATION OF HB 1090: Limiting Inquiries on Application for Driving Permits to 12 Months.

Representative Barbara Bennetts, author, said in Question No. 4 on the driver's license application form it states "have you ever been a patient in or committed to an institution for mental care?" Section 31-217.5 of the Codes presently provides that a person is not given a driver's license if they have not been pronounced competent by law. This means the person must get an attorney and go to court and be declared competent. Sometimes years and years after this person has recovered, this comes back to them. She feels that after twelve months in society following release from the hospital, they could be considered competent.

Capt. Tooley, Montana Highway Patrol, said he was unable to appear on this bill in the House. He said he agrees with the intent of the bill, but the wording of this amendment in Section 1, subsection 5, page 2, lines 17 and 18 gives them some problems. (Third Reading Bill Attached) Unfortunately, somebody who is also incompetent could also get a license. He said it is true that a person must go through a district court hearing to be declared competent. Unless the person's license has lapsed, or for some other reason they need to renew their license, the problem doesn't really come up. He said they are mainly concerned with the senile, older people and the fact they could become licensed under this amendment.

Senator Graham suggested rewording the amendment to state they could get a statement of competency from the hospital or doctor of the institution. This would give them the right to apply for a license.

Senator Zody moved that we hold this bill until such time as an amendment could be worked out. Senator McGowan seconded the motion. Motion carried unanimously.

ROLL CALL

HIGHWAYS AND TRANSPORTATION COMMITTEE

SECOND HALF - 43rd LEGISLATIVE SESSION 1974 Date 2/14/74

NAME	PRESENT	ABSENT	EXCUSED
DAVE MANNING, CHAIRMAN	X		
CARROLL GRAHAM, V. CHAIR	X		
LARRY ABER	X		
FRED BROEDER	X		
FRANK HAZELBAKER	X		
GORDON MCGOWAN	X		
EARL MORITZ	X		
HARRY NORTHEY	X		
C. F. SORENSON		X	
LEONARD VAINIO		X	
A. A. ZODY	X		

Each day attach to minutes

DATE 2/21/24

COMMITTEE ON Highways & Transp BILL NO. _____

VISITOR'S REGISTER

NAME	REPRESENTING	BILL NO	Check One	
			Support	Oppos
Margaret Mishra	Montana Advertising	946		
ROBERT E CHAMPION	MONTANA OUTDOOR ADVERTISING	946		
ERIC MYHRE *	MYHRE Adv.	946		
James Beck	Dept of Highways			
Jim Tooley	MHP	946 1090		
K V [illegible]	MHP	946 1080		
Terri Loendorf *	Myhre Adv	946		
Walter Coon	Flowers	946		

(Please leave prepared statement with Secretary)

MINUTES OF THE SUBCOMMITTEE MEETING ON HOUSE BILL 846
HIGHWAYS AND TRANSPORTATION COMMITTEE
MONTANA STATE SENATE

February 22, 1974

A meeting of the subcommittee on HB 846 appointed by Chairman Manning at the February 21 meeting met on the above date in Room 404 of the State Capitol Building at 10:00 a.m.

ROLL CALL: All members were present, with the exception of Senator Moritz.

The following were present to help the Committee in their consideration of HB 846:

James Beck, Montana Highway Department Attorney
John Northey, Attorney General's Office
Capt. Tooley, Montana Highway Patrol
Paul F. Reynolds, Montana Highway Patrol

Senator Graham reported that yesterday the Senate Highway Committee ran into difficulty with the fine portion of this bill. He asked for suggestions with this problem.

James Beck passed out a list of suggested amendments for the Committee's consideration (attached). He said one of the main problems brought up at the meeting yesterday was the minimum fees that could be charged by the Justice of the Peace. These amendments were set up with this thought, and the fact that the Committee's wanted the fine to be kept at $5.00, in mind. He further stated that in the event the speed limit in Montana was raised to 60 mph, the Committee wanted the bill to state this could be done. This is accomplished in the amendments by delegating this authority to the attorney general.

John Northey reviewed the complete suggested amendments with the committee. He listed their purposes as follows:

1st amendment: Provides an effective date.
2nd amendment: This removes the 55 mph maximum speed.
3rd amendment: This further removes the 55 mph maximum speed and provides for raising it to 60 mph if necessary.
4th amendment: This further contemplates a change in the speed limit.
5th & 6th amendment: This increases the fine to $10.00 to get around the minimum $7.50 set by the Justice of the Peace.
7th amendment: This permits other enforcement agencies to enforce this act.
8th amendment: This solves the problem of the person going 120 mph, versus a person going only slightly over the speed limit.
9th amendment: Renumbers the section.

Senator Graham referred to the last section of the bill. He asked the question whether this $5.00 fine for going over the 55 mph speed limit could be added to the regular fine for speeding.

Capt. Tooley said it is doubtful this would ever happen.

Representative Laas said this point was brought up on the Floor of the House. He said the present interstate speed limit at night is 65 mph, and this would be in conflict.

The Committee expressed agreement that the $5.00 fine should be kept, with the exception of Senator Northey who said he feels it should be on the basis of any other penalty.

James Beck said he believes the problem of whether the fine should be more for those drivers speeding way over the 55 mph speed limit should be left to the discretion of the enforcing officer.

Mr. Beck further said that since the Committee seems to want to keep the $5.00 fine, the problem of the Justice of the Peace fee could be solved through adding the words "For the purpose of this act only, the fees of the Justice of the Peace shall be one dollar ($1)" in Section 6, subsection (1), after the words FIVE DOLLARS ($5).

Capt. Tooley said he feels this amendment would take care of the situation. The Committee expressed agreement also.

Senator Northey asked whether, if the person did not have the $5.00, would the enforcing officer let them go.

Capt. Tooley expalined that a ticket would be made out and the fine could be paid later, as under the present system.

Senator Northey suggested amending the suggested amendments to read a straight fine of $5.00 instead of not to exceed $5.00.

The Committee was in agreement that this be done.

Representative Lien asked whether the Highway Patrol would accept a check for $5.00.

Capt. Tooley said under present regulations, this cannot be done.

Senator Graham suggested that Mr. Beck, Mr. Northey, Mr. Reynolds and Capt. Tooley work out these suggested amendments as amended by the Committee with Bob Person and the secretary for presentation to the Senate Highways and Transportation Committee at tomorrow's meeting.

ADJOURN:

With no further business, the meeting was adjourned at 11:00.

Senator Carroll Graham

SENATOR CARROLL GRAHAM

COMMITTEE ON HOUSE BILL 846

ROLL CALL

HIGHWAYS AND TRANSPORTATION
SUB- COMMITTEE

SECOND HALF - 43rd LEGISLATIVE SESSION 1974 Date 2/22/74

	PRESENT	ABSENT	EXCUSED
SEN. CARROLL GRAHAM	X		
SEN. EARL MORITZ		X	
SEN. HARRY NORTHEY	X		
REP. WALTER LAAS	X		
REP. MURPHEY LIEN	X		
REP. JOHN WALBORN	X		

Each day attach to minutes

DATE 5/22/74

COMMITTEE ON Highways & Transportation BILL NO. HB 846

Sub-Committee

VISITOR'S REGISTER

NAME	REPRESENTING	BILL NO.	Support	Oppose
[illegible]	[illegible]	[illegible]		
[illegible]	[illegible]	[illegible]		
[illegible]	[illegible]	[illegible]		
[illegible]	[illegible]	[illegible]		
[illegible]	[illegible]	[illegible]		
[illegible]	[illegible]	[illegible]		
[illegible]	[illegible]	[illegible]		
[illegible]	[illegible]	[illegible]		

(Please leave prepared statement with Secretary).

AMENDMENTS TO HOUSE BILL 846

(1) I move to amend H.B. 846, page 1, line 9, in the title of the third reading copy of the bill following the word "applicable" by adding the following punctuation and words ",and providing an effective date";

(2) and to further amend page 1, section 1, lines 13 and 14, by deleting the following words, "order a speed limit of fity-five (55) miles per hour", and inserting in lieu thereof the following words "proclamation file with the secretary of state a speed limit"

(3) and to further amend page 1, section 1, line 21, following the words and punctuation "statute.", by inserting a sentence which reads as follows: "Such speed limit may not be less than as required by federal law, and the attorney general must, by further proclamation, change the speed limit adopted pursuant to this act if the federal law is changed. Any speed limit ordered pursuant to this act becomes effective at midnight of the day upon which a proclamation is filed with the secretary of state.";

(4) and to further amend on page 2, section 3, line 8, by striking the word "the" and inserting in lieu thereof the word "any";

(5) and to further amend on page 3, section 6, line 10, by striking the words and figures "five dollars ($5)" and inserting in lieu thereof the words and figures "ten dollars ($10)";

(6) and to further amend page 3, section 6, line 12, by striking the words and figures "five dollars ($5)" and inserting in lieu thereof the words and figures "ten dollars ($10)";

(7) and to further amend page 3, section 6, line 13, by deleting the words "the Montana highway Patrol", and inserting in lieu thereof the words "appropriate law enforement agencies";

(8) and to further amend on page 3, line 20, by inserting a new section 7 which reads "this act is supplementary to existing traffic control statutes and violation of existing statutes shall be prosecuted as provided in existing statutes unless otherwise specifically provided in this act.";

(9) and to further amend page 3, section 7, line 20, by renumbering the section as section 8.

Representative Schepens said he agrees with this amendment.

Senator Aber moved to amend the third reading bill in Section 2, subsection (2), page 3, line 6, following the word "person" by striking the remainder of lines 6 and 7. Senator Graham seconded the motion. Motion carried unanimously.

Bob Pearson, Legislative Researcher, suggested we amend Section 2, subsection (2), page 3, lines 4, following the figures ($100), by striking the remainder of the Section. He feels this may make the bill more in line with its original intent.

Senator Aber feels this language should be left in the bill, and suggests adding after the word "person" on line 6, the words "if this is the first offense".

Capt. Tooley, Montana Highway Patrol, reported there is no language in the statutes which could be reported against the record of driver. He said the only thing that comes close is possession of alcohol by a minor.

Senator Sorenson commented that the words "highway patrol board" in Section 2, subsection (2), lines 4 and 5, should be amended to read "department of justice", as we no longer have a highway patrol board.

Senator Sorenson moved that HB 750 AS AMENDED BE CONCURRED IN. Senator Broeder made a substitute motion that HB 750 AS AMENDED BE NOT CONCURRED IN. Senator Aber seconded the motion. Motion carried, with all Senators voting yes, with the exception of Senators Manning, Northey and Sorenson voting no. (Roll call vote attached).

CONSIDERATION OF HB 846: 55 MPH Speed Limit Bill.

Chairman Manning called on the subcommittee, appointed at the last meeting, to report on their conclusions.

Senator Graham reported that he met with Senator Northey, Representatives Laas, Walborn and Lien and members from the Montana Highway Department and the Attorney General's office on Friday, February 22, to discuss this bill. Senator Moritz was absent. He presented the Committee with some amendments agreed upon by this subcommittee, and these amendments incorporated in the bill for the Committee's consideration. (Attached)

Senator Sorenson suggested that rather than the attorney general, he feels the governor should issue this proclamation.

Senator Graham said the attorney general was chosen since he represents the enforcement agency involved.

Senator Graham moved the suggested amendments be adopted. Senator Northey seconded the motion. Motion carried, with all Senators voting yes, with the exception of Senator Sorenson voting no.

Senator Graham moved that HB 846 AS AMENDED BE CONCURRED IN. Senator Northey seconded the motion. Motion carried unanimously.

CONSIDERATION OF HB 1090: Limiting inquiries on application for driving permits to twelve months.

Since Senator Zody, who was appointed to look into this bill, is absent today, it was decided to hold action on this bill until the next meeting.

ADJOURN:

With no further business, the meeting was adjourned by Chairman Manning at 10:30 a.m.

Dave Manning

DAVE MANNING, CHAIRMAN

ROLL CALL

HIGHWAYS AND TRANSPORTATION COMMITTEE

SECOND HALF - 43rd LEGISLATIVE SESSION 1974 Date 2/23/74

NAME	PRESENT	ABSENT	EXCUSED
DAVE MANNING, CHAIRMAN	X		
CARROLL GRAHAM, V. CHAIR	X		
LARRY ABER	X		
FRED BROEDER	X		
FRANK HAZELBAKER	X		
GORDON MCGOWAN	X		
EARL MORITZ	X		
HARRY NORTHEY	X		
C. F. SORENSON	X		
LEONARD VAINIO		X	
A. A. ZODY		X	

Each day attach to minutes

SUGGESTED AMENDMENTS TO HB 846

~~Amend the title~~ on page 1, line 6, after the word "LIMIT" by ~~striking~~ the words "~~OF FIFTY-FIVE (55) MILES PER HOUR" and inserting in lieu~~ thereof the words "AS REQUIRED BY FEDERAL LAW";

~~And~~ further amend the title on page 1, at the beginning of line 9, by striking the ~~words "FIFTY-FIVE (55) MILES PER HOUR"~~ and inserting in lieu thereof the words "THAT REQUIRED BY FEDERAL LAW";

And further amend the title on page 1, line 9, following the word "APPLICABLE" by striking the period "." and inserting in lieu thereof the words and punctuation ",AND PROVIDING AN EFFECTIVE DATE.";

And further amend Section 1, page 1, line 13, following the word "by" by striking the words "order a speed limit of fifty-five (55) miles per hour" and inserting in lieu thereof the words "proclamation filed with the secretary of state a speed limit";

And further amend Section 1, page 1, line 21, following the word and punctuation "STATUTE." by inserting the following new material: "Such speed limit may not be less than that required by federal law, and the attorney general shall by further proclamation, change the speed limit adopted pursuant to this act to comply with federal law. Any proclamation issued pursuant to this act becomes effective at midnight of the day upon which it is filed with the secretary of state.";

And further amend Section 1, page 1, line 23, following the word "SECTION" by omitting the figures "32-2124" and inserting in lieu thereof the figures and punctuation "32-2144,";

And further amend Section 2, page 2, line 4, following the word "than" by striking the words "fifty-five (55) miles per hour" and inserting in lieu thereof the words "that required by federal law";

And further amend Section 3, page 2, line 8, following the word "declaration." by striking the words "The speed limit ordered by the attorney general pursuant to section 1 of this act shall automatically terminate without any further action" and inserting in lieu thereof the words "The attorney general shall terminate by proclamation any speed limit proclaimed under this act";

And further amend Section ~~3~~, page 3, line 1, following the word "than" by striking the words "fifty-five (55) miles per hour" and inserting in lieu thereof the words "that required by federal law";

And further amend Section 6, subsection (1), page 3, at the beginning of line 10, by omitting the words "NOT TO EXCEED";

And further amend Section 6, subsection (1), page 3, line 11, following the word "SHALL" by omitting the words "NOT EXCEED" and inserting in lieu thereof the word "be";

And further amend Section 6, subsection (2), page 3, line 13, by striking the words "The Montana highway patrol shall enforce the speed limit ordered pursuant to section 1 of this act PROVIDED, HOWEVER,";

And further amend following Section 6, page 3, by adding the following new section 7:

"Section 7. This act in no way affects traffic control statutes and violation of existing statutes shall be prosecuted solely as provided therein.";

And further amend Section 7, page 3, line 22, by renumbering the section as Section 8.

HOUSE BILL NO. 846
(With suggested amendments incorporated, which are underlined)

A BILL FOR AN ACT ENTITLED: "AN ACT DIRECTING THE ATTORNEY ~~GENERAL~~ TO DECLARE BY ORDER A SPEED LIMIT ~~OF FIFTY-FIVE (55) MILES PER HOUR~~ AS REQUIRED BY FEDERAL LAW ON ALL PUBLIC STREETS AND HIGHWAYS IN THE STATE EXCEPT IN THOSE AREAS WHERE A SPEED LIMIT LOWER THAN ~~FIFTY-FIVE (55) MILES PER HOUR~~ THAT REQUIRED BY FEDERAL LAW IS PRESENTLY APPLICABLE; AND PROVIDING AN EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Declaration of speed limits -- EXCEPTION TO THE BASIC RULE. The attorney general shall declare by ~~order a speed limit of fifty-five (55) miles per hour~~ proclamation filed with the secretary of state a speed limit for all motor vehicles on all public streets and highways in the state whenever the establishment of such a speed limit by the state is required by federal law as a condition to the state's continuing eligibility to receive funds ~~from the Highway Trust Fund Act~~ AUTHORIZED BY THE FEDERAL AID HIGHWAY ACT OF 1973 AND ALL ACTS AMENDATORY THERETO or any other federal ~~source~~ STATUTE. Such speed limit may not be less than that required by federal law, and the attorney general shall, by further proclamation, change the speed limit adopted pursuant to this act to comply with federal law. Any proclamation issued pursuant to this act becomes effective at midnight of the day upon which it is filed with the secretary of state. A SPEED LIMIT IMPOSED PURSUANT TO THIS ACT IS AN EXCEPTION TO THE BASIC RULE REQUIREMENTS OF SECTION ~~32-2124~~ 32-2144, AND A SPEED IN EXCESS OF THE SPEED LIMIT ESTABLISHED PURSUANT TO THIS ACT IS UNLAWFUL NOTWITHSTANDING ANY PROVISION OF THAT SECTION

Section 2. Not applicable to certain streets and highways.

The provisions of this act shall not apply to those public streets and highways for which a speed limit lower than ~~fifty-five-(55)-miles-per-hour~~ that required by federal law was applicable on the effective date of this act under any other state, county, municipal or other local law, ordinance, regulation or order.

Section 3. Termination of declaration. ~~The-speed-limit ordered-by-the-attorney-general-pursuant-to-section-1-of-this act-shall-automatically-terminate-without-any-further-action.~~ The attorney general shall terminate by proclamation any speed limit proclaimed under this act whenever such a speed limit is no longer required by federal law as a condition to the state's continuing eligibility to receive funds ~~from-the-Highway-Trust Fund-Act~~ AUTHORIZED BY THE FEDERAL AID HIGHWAY ACT OF 1973 AND ALL ACTS AMENDATORY THERETO or from any other federal ~~source~~ STATUTE.

Section 4. Subject to Administrative Procedure Act. The establishment of a speed limit pursuant to section 1 of this act shall not be subject to the provisions and requirements of the Montana Administrative Procedure Act, section 83-4201, R.C.M. 1947, et seq.

Section 5. Lower speed limits. Nothing in this act shall prohibit any state, county, municipal or other local official, board, or body which has authority to enact laws relating to motor vehicle speed limits from establishing speed limits lower than ~~fifty-five-(55)-miles-per-hour~~ that required by federal law on any public streets or highways as permitted by law on the effective date of this act.

Section 6. Enforcement. ~~(1)-it-is-unlawful-and-it-is-a misdemeanor-for-any-person-to-exceed-the-speed-limit-ordered~~

~~pursuant to section 1 of this act.~~ (1) A PERSON VIOLATING THE SPEED LIMIT IMPOSED PURSUANT TO ~~SECTION 1 OF~~ THIS ACT IS GUILTY OF THE OFFENSE OF UNNECESSARY WASTE OF A RESOURCE CURRENTLY IN SHORT ~~SUPPLY AND~~ UPON CONVICTION SHALL BE FINED ~~NOT TO EXCEED ONE DOLLAR ($1)~~ FIVE DOLLARS ($5) AND NO JAIL SENTENCE MAY BE IMPOSED. BOND FOR THIS OFFENSE SHALL ~~NOT EXCEED ONE DOLLAR ($1)~~ be FIVE DOLLARS ($5). For the purpose of this act only, the fees of the Justice of the Peace shall be one dollar ($1).

(2) ~~The Montana highway patrol shall enforce the speed limit ordered pursuant to section 1 of this act PROVIDED, HOWEVER,~~ NO VIOLATION OF THIS ACT SHALL BE RECORDED OR CHARGED AGAINST THE DRIVER'S RECORD OF A PERSON CONVICTED OF VIOLATING THIS ACT AND THAT NO INSURANCE COMPANY SHALL HOLD A VIOLATION OF THIS ACT AGAINST THE INSURED AND THERE SHALL BE NO INCREASE IN PREMIUMS DUE TO A VIOLATION OF THIS ACT.

Section 7. This act in no way affects traffic control statutes and violation of existing statutes shall be prosecuted solely as provided therein.

Section 8. This act is effective upon its passage and approval.

"66-3211. **Fees.** (1) The *department* shall collect the following fees, none of which is refundable:

(a) Application fee — *twenty-five dollars ($25) to fifty dollars ($50)*

(b) Examination fee — *an amount commensurate with the charge of the professional examination service and administrative costs of the department and as set by the board*

(c) Certificate fee — *ten dollars ($10)*

(d) Renewal fee — *twenty dollars ($20) to fifty dollars ($50)*

The board *may* set *the application fee and* the annual renewal fee annually within the above limits.

(2) The initial certificate fee shall be prorated as follows:

If the certificate is issued between January 2 and March 31..... *ten dollars ($10)*

If the certificate is issued between April 1 and June 30..... *seven dollars and fifty cents ($7.50)*

If the certificate is issued between July 1 and September 30..... *five dollars ($5)*

If the certificate is issued between October 1 and January 1..... *two dollars and fifty cents ($2.50)*

(3) Renewal certificates shall be secured annually and dated January 2.

(4) *Fees* received by the *department* shall be deposited in the earmarked revenue fund for the use of the board, *subject to section 82A-1603(6).*"

Approved February 28, 1974

CHAPTER NO. 60

AN ACT DIRECTING THE ATTORNEY GENERAL TO DECLARE BY ORDER A SPEED LIMIT AS REQUIRED BY FEDERAL LAW ON ALL PUBLIC STREETS AND HIGHWAYS IN THE STATE EXCEPT IN THOSE AREAS WHERE A SPEED LIMIT LOWER THAN THAT REQUIRED BY FEDERAL LAW IS PRESENTLY APPLICABLE; AND PROVIDING AN EFFECTIVE DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. There is a new section to be numbered 32-2144.1, R.C.M. 1947, which reads as follows:

32-2144.1. **Declaration of speed limits — exception to the basic rule.** The attorney general shall declare by proclamation filed with the secretary of state a speed limit for all motor vehicles on all public streets and highways in the state whenever the establishment of such a speed limit by the state is required by federal law as a condition to the state's continuing eligibility to receive funds authorized by the Federal Aid Highway Act of 1973 and all acts amendatory thereto or any other federal statute. Such speed limit may not be less than that required by federal law, and the attorney general shall by further proclamation, change the speed limit adopted pursuant to this act to comply with federal law. Any proclamation issued pursuant to this act becomes effective at midnight of the day upon which it is filed with the secretary of state. A speed limit imposed pursuant to this act is an exception to the basic rule requirements of section 32-2144 and a speed in excess of the speed limit established pursuant to this act is unlawful notwithstanding any provision of that section.

Section 2. There is a new section to be numbered 32-2144.2, R.C.M. 1947, which reads as follows:

32-2144.2. **Not applicable to certain streets and highways.** The provisions of this act shall not apply to those public streets and highways for which a speed limit lower than that required by federal law was applicable on the effective date of this act under any other state, county, municipal or other local law, ordinance, regulation or order.

Section 3. There is a new section to be numbered 32-2144.3, R.C.M. 1947, which reads as follows:

32-2144.3. **Termination of declaration.** The attorney general shall terminate by proclamation any speed limit proclaimed under this act whenever such a speed limit is no longer required by federal law as a condition to the state's continuing eligibility to receive funds authorized by the Federal Aid Highway Act of 1973 and all acts amendatory thereto or from any other federal statute.

Section 4. There is a new section to be numbered 32-2144.4, R.C.M. 1947, which reads as follows:

32-2144.4. **Subject to Administrative Procedure Act.** The establishment of a speed limit pursuant to section 1 of this act shall not be subject to the provisions and requirements of the Montana Administrative Procedure Act, section 82-4201, R.C.M. 1947, et seq.

Section 5. There is a new section to be numbered 32-2144.5, R.C.M. 1947, which reads as follows:

32-2144.5. **Lower speed limits.** Nothing in this act shall prohibit any state, county, municipal or other local official, board, or body which has authority to enact laws relating to motor vehicle speed limits from establishing speed limits lower than that required by federal law on any public streets or highways as permitted by law on the effective date of this act.

Section 6. There is a new section to be numbered 32-2144.6, R.C.M. 1947, which reads as follows:

32-2144.6. **Enforcement.** (1) A person violating the speed limit

imposed pursuant to section 1 of this act is guilty of the offense of unnecessary waste of a resource currently in short supply and upon conviction shall be fined five dollars ($5) and no jail sentence may be imposed. Bond for this offense shall be five dollars ($5).

(2) No violation of this act shall be recorded or charged against the driver's record of a person convicted of violating this act and that no insurance company shall hold a violation of this act against the insured and there shall be no increase in premiums due to a violation of this act.

Section 7. There is a new section to be numbered 32-2144.7, R.C.M. 1947, which reads as follows:

32-2144.7. This act in no way affects traffic control statutes and violation of existing statutes shall be prosecuted solely as provided therein.

Section 8. This act is effective upon its passage and approval.

Approved March 2, 1974

CHAPTER NO. 61

AN ACT AMENDING SECTION 75-7001, R.C.M. 1947, DEFINING AN ELIGIBLE TRANSPORTEE ON A SCHOOL BUS AS AT LEAST FIVE (5) YEARS OF AGE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 75-7001, R.C.M. 1947, is amended to read as follows:

"75-7001. **Definitions.** As used in this Title, unless the context clearly indicates otherwise:

"Transportation" shall mean:

(1) a district's conveyance of a pupil by a school bus between his legal residence and the school designated by the trustees for his attendance; or

(2) "individual transportation" whereby a district is relieved of actually conveying a pupil. Such individual transportation may include paying the parent or guardian for conveying the pupil, reimbursing the parent or guardian for the pupil's board and room, or providing supervised correspondence study or supervised home study.

An "eligible transportee" shall mean a public school pupil who:

(1) is not less than *five (5)* years of age nor has attained his twenty-first (21st) birthday;

(2) is a resident of the state of Montana;

(3) regardless of district and county boundaries, resides at least three

(3) miles, over the shortest practical route, from the nearest operating public elementary school or public high school, whichever the case may be; and

(4) is deemed by law to reside with his parent or guardian who maintains legal residence within the boundaries of the district furnishing the transportation regardless of where the eligible transportee actually lives when attending school."

Approved March 2, 1974

CHAPTER NO. 62

AN ACT TO AMEND SECTION 75-5931, R.C.M. 1947, TO CHANGE MILEAGE REIMBURSEMENT RATE FOR SCHOOL TRUSTEES TO AND FROM THE TRUSTEES' MEETING PLACE FROM EIGHT CENTS ($.08) TO THE RATE AS PROVIDED IN SECTION 59-801, R.C.M. 1947 FOR EVERY MILE NECESSARILY TRAVELED; AND PROVIDING AN EFFECTIVE DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 75-5931, R.C.M. 1947, is amended to read as follows:

"75-5931. **Travel reimbursement and joint board of trustees secretary compensation.** The members of the trustees of any district shall not receive compensation for their services as trustees, except that the secretary of the trustees of a high school district operating a county high school or the secretary of a joint board of trustees may be compensated for his services as the secretary. The members of the trustees who reside over three (3) miles from the trustees' meeting place shall be reimbursed *at the rate as provided in section 59-801, R.C.M. 1947* for every mile necessarily traveled between their residence and the meeting place, and return in attending the regular and special meetings of the trustees, and all trustees shall be similarly reimbursed for meetings called by the county superintendent. The travel reimbursement may be accumulated during the school fiscal year and paid at the end of the fiscal year, at the discretion of each trustee."

Section 2. This act is effective on its passage and approval.

Approved March 2, 1974

CHAPTER NO. 63

AN ACT TO AMEND SECTION 82A-2005, R.C.M. 1947, TO CLARIFY INSTRUCTIONS TO THE PUBLISHERS OF THE MONTANA REVISED CODES RELATING TO THE FORMER TRAMWAY SAFETY BOARD.